

City of Coral Gables City Commission Meeting
Agenda Item I-1
November 13, 2012
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Maria Anderson

Commissioner Rafael “Ralph” Cabrera, Jr.

Commissioner Frank Quesada

City Staff

City Manager, Patrick Salerno

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Public Speaker(s)

I-1 [Start: 10:02:25 a.m.]

Status of Review of Retirement Board Action

Mayor Cason: Item I, City Attorney, that’s your item.

City Attorney Leen: Thank you Mr. Mayor. Today I was just going to speak a little about the review of the Pension Board action to retain its Actuary and give you an update on the status of that and give you a predicted date hopefully of finishing it. I have reviewed an initial report of the review of the Pension Board and the decision to rehire its Actuary, basically to extend the contract and it’s a fairly comprehensive report. I had about six or seven questions which I sent back to outside counsel, who is assisting me with the report, and they are now looking at all those issues. One issue came up today, and I’m just going to flag it for you because you are probably going to receive this from your Pension Board appointee later today, because I just received an e-mail with a letter which was sent to all the Pension Board members and myself talking about, from Randall Stanley, the Pension Board Actuary, which is looking at the 415 limitation issue, and the amount of people it affects, and it appears it may affect more people than he initially said. So obviously, I need to look at that as part of the study of Mr. Stanley’s actions as well as any possible litigation the City might take at some point. We still haven’t made

any decision on that portion of it yet, but this may extend my review a little more. In addition, the Pension Board Actuary – I recently went to the Pension Board meeting and he is looking at the contribution percentage for members of the Teamsters unit, and he is doing that now. Also, I want to be cognizant of that process. I don't want to interfere with it through having him have to focus on an investigation at the same time that he is looking at that important issue. So in light of that, my goal is still to have the final recommendation to you by December 11, but it may be after that as well, it could be in the New Year, because I think the Commission needs to look at everything in determining the competency of the Pension Board Actuary; and I don't want to interfere with the Pension Board Actuary, and I want to make sure I get all my questions answered related to the Pension Board Actuary. Now as to the process for proceeding, at this point my thought is to present to you at a future meeting a review of the Pension Board Actuary actions, as well as the Pension Board's decision, and also perhaps do a secondary report that looks at potential remedies for the City Commission if we determine that the Actuary has acted incorrectly. That evaluation, basically litigation evaluation, would likely be exempt from the Public Records Law, it doesn't mean that we are going to recommend that you do anything, but it's something that you need to consider and because it is in anticipation of potential litigation that would be exempt until you make a final decision. So at this point it's my view that I will probably do two separate reports to you; one, which will be a public report which will meet the goals of the resolution you passed, couple of months ago, that will fully review what occurred and will give my team's assessment of responsibility for what occurred and whether there was any wrongdoing or not, and then you will likely receive a separate report which will look at potential remedies, including litigation, that would be exempt under the Public Records Law until you make a final decision. I will also be briefing each of you individually and will forward you this letter that we received since its been sent to all the Pension Board members, you should have it as well, and that's my report unless there are any questions. I just wanted the Commission to know we have been putting a tremendous amount of attention into this issue, the only reason there are any delays is because there are a lot of documents, and I want to get the best – you know this affects people's lives and their reputations, so I want to make sure that whatever report we give you is perfect.

Commissioner Anderson: I appreciate that.

Vice Mayor Kerdyk: Take your time.

Mayor Cason: You don't need anything formal from us at this point, do you?

City Attorney Leen: I don't need anything formal.

Mayor Cason: OK. Thank you.

[End: 10:06:47 a.m.]

